



City of Seattle

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**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3012134  
**Contact Person:** Brian Dixon  
**Address of Proposal:** 2737 W Commodore Way

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow excavation and removal of 700 cubic yard of contaminated soil and replace with clean soil for site remediation in an environmentally critical area.

The following approval is required:

**SEPA - Environmental Determination** – (Chapter 25.05, Seattle Municipal Code).

**SEPA DETERMINATION:** ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS  
☐ DNS with conditions  
☐ DNS involving non exempt grading or demolition or  
involving another agency with jurisdiction.

**BACKGROUND INFORMATION**

**Site Location:** The site is an industrial property located along the south side of W. Commodore Way.

**Zoning:** Industrial Buffer IB U/45, General Industrial 2 (IG2 U/65), Residential, Single-family 5,000 (SF 5000)

**Parcel Size(s):** The parcel size for this property is 235,694.02 square feet.

**Existing Use:** This property is currently developed with several warehouses.

Zoning in the Vicinity: The zoning of abutting properties is IB U/45, IG2 U/65 to the west and IG2 U/65 to the east. SDOT right-of-way abuts the north and south property lines.

Use in the Vicinity: The development in the vicinity consists of warehouses and piers supporting maritime activity.

### Proposal

Land Use Application to allow excavation and removal of 700 cubic yards of contaminated soil and replace with clean soil for site remediation in an environmentally critical area.

### Public Comments

Notice of application was sent on August 11<sup>th</sup>, 2011. No public comments were received through the public notice process.

### ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05). The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 1st, 2011. The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: *“Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,”* subject to some limitations. Under certain limitations or circumstances (SMC 25.05.665 D 1-7), mitigation can be considered. A more detailed discussion of some of the potential impacts from this proposed grading action follows.

### Short-term Impacts

The proposed excavation activities have been evaluated in a geotechnical report prepared by Patrick Harron & Associates, dated April 24<sup>th</sup>, 2011. This report evaluates the site’s subsurface soil and groundwater conditions, and landslide and seismic hazard potential. It also provides recommendations on implementing the excavation and managing stormwater and potential erosion. Since the action area is outside and down slope of the land-slide prone environmentally critical area, the proposed excavation and grading activity is not expected to have any direct or indirect short-term effects on this area. However, the excavation and grading have the potential to produce other temporary construction-related adverse impacts:

- Erosion from excavation and storm water impacts from ground clearing and grading
- Increased noise levels.
- Decreased air quality due to suspended particulates (dust) from excavation and construction, hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials.
- Construction traffic impacts.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Stormwater Grading and Drainage Control Code, the Noise Ordinance, the Street Use Ordinance, and the air pollution standards of the Puget Sound Clean Air Agency (PSCAA). The Stormwater, Grading and Drainage Control Code regulates site excavation, requires that soil erosion control techniques be initiated for the duration of construction, and regulates the capture and treatment of on-site ground and storm water. The Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. The Street Use Ordinance regulates use of the right of way for temporary construction purposes and regulates obstruction of the pedestrian right-of-way. The Puget Sound Clean Air Agency regulations require control of fugitive dust and construction machinery emissions in order to protect air quality. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. Therefore no conditioning for these short term impacts is required.

#### Long-term Impacts

The project will remove approximately 700 cubic yards of soil containing Washington State Department of Ecology regulated contaminants, which will be replaced with clean structural fill. No subsequent development proposals have been received by the Seattle Department of Planning and Development at this time. Long-term adverse impacts are not anticipated as a result of this proposal and no additional conditioning is warranted pursuant to SEPA policies.

#### **DECISION - SEPA**

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

#### **CONDITIONS – SEPA**

None required.

Signature: \_\_\_\_\_ (signature on file) Date: September 15, 2011  
Seth Amrhein, Senior Environmental Analyst  
Department of Planning & Development

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